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Letter dated 10 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Republic of Rwanda pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: French]

Letter dated 9 September 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the first report submitted by the Republic of Rwanda pursuant to Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

Enclosure

First report submitted by the Republic of Rwanda pursuant to Security Council resolution 1373 (2001)*

* The annexes are on file with the Secretariat and are available for consultation.

Introduction

In Rwanda, the Government of National Unity, which considers terrorism to be an act against human dignity that thwarts international security and development, has always sought to cooperate fully with any initiative aimed at preventing and suppressing terrorism in all its forms.

Our national legislation does not include specific legislation on terrorism. However, the different laws that are in force include several provisions that cover offences and administrative measures aimed at preventing and punishing acts of terrorism. The content of these laws will be explained in the answers to the questions.

At the international level, Rwanda has ratified various conventions and protocols on combating terrorism. In this context:

- Rwanda signed the Convention for the Suppression of Unlawful Seizure of Aircraft on 16 December 1970 and ratified it on 3 November 1987;
- Rwanda signed the Convention on Offences and Certain Other Acts Committed on Board Aircraft on 17 May 1971 and ratified it on 15 August 1971;
- Rwanda signed the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation on 26 June 1972 and ratified it on 3 November 1987; and
- Rwanda signed the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (which the General Assembly of the United Nations adopted on 14 December 1973), on 15 October 1974 and ratified it on 14 October 1977.

We are submitting this report pursuant to Security Council resolution 1373 (2001), paragraph 6 of which calls on all States to report to the Security Council Committee responsible for monitoring implementation of this resolution on the steps they have taken regarding the prevention and suppression of terrorist acts, and wish to point out the following:

On 14 April 2002, the Rwandan Government concluded the process of ratifying or acceding to the other conventions and protocols relating to the prevention and suppression of terrorist acts. They are:

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, signed at Rome on 10 March 1988;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;

- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
- The International Convention for the Suppression of Terrorist Bombings, adopted by General Assembly resolution 52/164 on 15 December 1997;
- The International Convention for the Suppression of the Financing of Terrorism, adopted by General Assembly resolution 54/109 on 9 December 1999;
- At the regional level, on 28 November 2001, the Rwandan Government ratified the Organization of African Unity Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999.

Regarding the Security Council's concern about the close ties between international terrorism and other unlawful acts liable to pose a serious threat to international security, inter alia, illicit trafficking in drugs and arms, Rwanda's Penal Code contains provisions aimed at suppressing illicit drug-trafficking, including the production, sale, transport, possession and consumption of narcotics.

In this respect, Rwanda has ratified the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. (There is a unit within the National Police Force that is responsible for matters relating to combating drug-trafficking.)

In the context of strengthening cooperation and coordinating efforts between the countries of the East African subregion, Rwanda has been a member of the East Africa Drug Information System (EADIS) since February 2001.

Despite the establishment of these legal instruments, terrorist acts continue to be perpetrated throughout the world.

Rwanda is faced with a terrorist organization known as "ALIR", which was classified as a terrorist organization by the United States State Department in 2001. The organization is composed of elements of the former Rwandan Armed Forces (ex-FAR) and the Interahamwe militia that perpetrated the 1994 genocide. The leaders of the organization are also among those who planned and executed the Rwandan genocide and they continue to subscribe to this genocidal ideology. They operate from their bases, which are located principally in the Democratic Republic of the Congo, and attack Rwandan territory, carrying out targeted killings of the population and destroying strategic infrastructure of national and international interest.

One of the ALIR leaders, Major General Augustin Bizimungu, who was Army Chief of Staff during the genocide, was arrested recently in Angola in a demobilization camp for former UNITA combatants, and taken to the International Criminal Tribunal for Rwanda in Arusha. This shows clearly that ALIR is an organization that threatens regional stability.

In order to elude justice, this terrorist organization tries to present itself as a political group under various labels.

However, it has been recognized internationally that ALIR was responsible for the massacre of American and British tourists in Bwindi, Uganda, in March 1999.

The world has experienced a paroxysm of international terrorism and was horrified by the terrorist attacks against the United States of America of 11 September 2001. On behalf of the people and Government of Rwanda, the President of the Republic strongly condemned the attacks against the United States of 11 September 2001. This condemnation was also expressed in different activities of civil society (conferences, debates, prayers and others).

Pursuant to Security Council resolution 1373 (2001), Rwanda created a national counter-terrorism committee by Prime Ministerial Order No. 39/03 of 16 June 2002.

Answers to the questionnaire, following the Security Council guidelines

Paragraph 1

Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

According to article 164 of the Rwandan Penal Code brought into force by Decree-Law No. 21/77 of 18 August 1977 any individual who uses terrorism, armed force or any other form of violence in order to attack constitutional principles or the established authorities is liable to the death penalty and the perpetrators are prosecuted; conspiracy to commit such crimes is punishable by life imprisonment, provided that a preparatory measure has been carried out.

Article 154 of the Rwandan Penal Code deals with any individual who shall have established or sustained relations with a State, group, association, foreign institution or person working for any of the foregoing for the purpose of communicating State secrets.

Articles 170 to 173 deal with hostile groups that try to seize public assets, either in order to invade forts, warehouses, armouries, ports, aeroplanes, ships, buildings or other State property, or in order to attack or resist the security forces.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

- Maintaining any type of relationship with terrorist groups, associations or institutions (article 154, subparagraph 5);
- Resorting to terrorism (article 164);
- The act of attacking the established State authorities (article 164);
- The conspiracy itself (article 165);
- Establishing, organizing, inciting and leading hostile criminal groups (articles 170 to 173, 281 and 283 of the Penal Code).

The penalty for these offences varies from a minimum of five years' imprisonment to the death penalty.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Article 3 of the Code of Criminal Procedure (Act of 23 February 1963) authorizes agents of the Government Procurator's Office to sequestrate any objects which could be subject to confiscation. Thus, they can freeze the accounts of those accused or suspected of committing or having committed a terrorist act.

The bill on the punishment of corruption and similar offences provides for the punishment of laundering dirty money, including money which could finance terrorist acts. The penalty is from 5 to 10 years. When this offence is committed on a continuing basis and involves abuse of power, or by a group of criminals, the penalty is from 10 to 20 years. The bill is currently being examined by the Transitional National Assembly.

Article 16, subparagraph 2, of Act No. 08/99 of 18 June 1999 on the regulation of banks and other financial establishments (the Banking Act) stipulates that "Banks are required to communicate to the Central Bank any information about funds linked to unlawful activities and to refuse to transfer or manage such funds".

Similarly, article 78, subparagraph 2, of this Act establishes that "Banks and financial establishments are obliged to ascertain the legal origin of the funds they receive from their clients".

In order to strengthen the measures aimed at reducing economic and financial crimes, a committee composed of representatives of the National Bank, the Procurator's Office and the National Police Force has been established and is responsible for taking the necessary measures to combat such crimes.

In the context of the current judicial reforms, Rwanda plans to grant Rwandan courts universal jurisdiction to try foreigners who are in the country and who have been accused of serious crimes, such as terrorism.

It should be noted that lists of individuals suspected of carrying out activities related to terrorism are sent to the financial institutions on a regular basis. These lists are also forwarded to the Immigration Services.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

The measures have been described in subparagraph (a) above.

Paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The measures have been described in subparagraphs (a) and (b) of paragraph 1.

The bill completing the Penal Code provides for punishment of the crime of genocide, crimes against humanity and war crimes. Punishable offences will include incitation and complicity, involving the recruitment of criminals. Penalties vary

from 10 to 25 years' imprisonment and, depending on the seriousness of the crime, even the death penalty. This bill is currently being examined by the Transitional National Assembly.

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

- Reinforcement of security measures at land borders and at the airport:
  - Creation of a police unit responsible for airport security;
  - Intensification of thorough searches of passenger luggage for both national and international flights;
- Reinforcement of protection measures for vulnerable infrastructure and key figures, particularly those considered to be a target of terrorist activities, such as Embassies and the offices of international organizations.
- Improvements in how information on terrorist activities is collected.
- Regarding warning mechanisms, Rwanda is a member of Interpol and also of the East African Police Chiefs Committee. Within the National Police Force, there is a division with appropriate communication mechanisms that allow it to communicate rapidly any information regarding terrorist activities or transnational crime.
- There is a national security council responsible, among other matters, for exchanging information at the national and international level in order to combat terrorism.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

According to Act No. 17/99 of 16 August 1999 on immigration and emigration, specifically article 13, subparagraphs 3, 8 and 9:

"– Anyone who is unable to prove that they have Rwandan nationality;

"– Anyone who entertains or publicly promotes segregationist opinions;

"– Anyone who engages in espionage or other acts which could affect the internal or external security of the Republic of Rwanda;

"– Anyone who disturbs public order;

"is considered undesirable and consequently may not enter or reside in Rwanda".

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Article 13, subparagraph 10 (d), of Act No. 17/99 of 16 August 1999 on immigration and emigration also stipulates that "anyone admitted to Rwanda in

accordance with the provisions of this Act who carries out a professional activity other than that for which his residence was authorized, without the prior authorization of the Minister responsible for Immigration and Emigration" may be declared *persona non grata* in Rwanda.

Rwanda applies rigorously the provisions of the Charter of the United Nations and the Charter of the Organization of African Unity that formally prohibit the territory of a State being used as a home base by terrorist groups in order to destabilize the territory of another country.

Rwanda has signed extradition agreements with some countries so that anyone who is accused of committing a crime in one of the signatory countries can be punished and it plans to sign such agreements with other countries.

The other answers to paragraph 1, subparagraph (a) provide further information.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The Rwandan Penal Code provides for severe penalties for anyone who commits a crime against persons and property by means of terrorist acts. The penalty for most crimes of this type is death.

For example:

- Assassination committed with barbarity is punished by the death penalty (article 316);
- Murder preceded, accompanied or followed by another crime is punishable by the death penalty;
- Poisoning and any attack on a person's life with a lethal substance carries the death penalty;
- Destruction of buildings, roadways, telegraphic or telephone equipment is punishable by a sentence of from 2 to 5 years [in prison] (article 444);
- Arson of buildings, warehouses, ships or any building that is inhabited or that serves as a dwelling place is punishable by [a prison term of] 5 to 20 years (article 437).

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

- Rwanda is a member of Interpol;
- Rwanda cooperates with other countries in the following mechanisms:
  - The organs of the United Nations such as the Security Council, through the Council's Counter-Terrorism Committee;
  - The African Union Mechanism for Conflict Prevention, Management and Resolution;

- The United Nations Standing Advisory Committee on Security Questions in Central Africa;
- The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders;
- The extradition agreements mentioned in paragraph 2.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

Article 16, subparagraph 1, of Act No. 17/99 of 16 August 1999 stipulates that, on entering Rwandan territory, immigrants must present themselves to and be registered by an immigration official.

The identity of all persons entering or leaving the country, particularly persons from countries suspected of providing facilities to terrorists, is carefully checked. There is also a verification of the countries that such persons have visited before arriving in Rwanda.

To prevent the forgery of documents, article 39 of this act establishes that "any person who, in the registration records, makes a false declaration or includes erroneous information or any declaration other than that which the document was intended to receive, shall be subject to the penalties established in the first subparagraph of article 38 above, without detriment to the application of any stricter penalties established in the Penal Code".

Articles 198 to 208 of the Penal Code provides penalties for the forging or falsification of documents.

The procedure by which nationals obtain identity documents is as follows: anyone wishing to obtain an identity card must first go before the committee of his cell, then before the committee of his residence sector and lastly before the district committee. The identity card cannot be obtained until all these authorities have given their authorization.

In the case of a travel document, article 40 of Act No. 17/99 of 16 August 1999 on immigration and emigration lists the documents needed in order to obtain a national passport or similar document. They are:

- A letter requesting a passport or similar document;
- A certificate of identity issued by the district;
- A certificate of good conduct, life and morals issued by the district.

In addition to these documents, the Immigration Service is planning to require that a copy of an individual's police record be furnished.

Paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

At the domestic level, the criminal investigation and security service collaborate closely on combating terrorism.

Information is exchanged through Interpol and regional and international seminars. Some permanent contact mechanisms have been set up with other countries.

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

One of the tasks of the national counter-terrorism committee established by the Prime Minister's Order No. 39/03 of 16 June 2002 is to cooperate with the Security Council Committee and those of other countries.

This committee is composed of the Ministers responsible for:

- Foreign Affairs (Chairman)
- The Interior (Vice-Chairman)
- Defence
- Justice
- and a representative of the President's personal staff (adviser on security matters).

It is assisted by an executive organ composed of:

- The National Security Service (Coordinator)
- The Army General Staff
- The National Police authorities.

For information on the ratification of the different conventions and protocols against terrorism (see Introduction).

Every three months, immigration officials, consuls and airline representatives meet to exchange information on counterfeit documents, the trafficking of persons, etc. The recent meeting of the Common Market for Eastern and Southern Africa (COMESA), in Lusaka, decided to coordinate the immigration services of COMESA member countries and establish a databank on member country immigration in order to exchange information, particularly on terrorists.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

The measures are described in subparagraph (b) above.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Rwanda has signed, ratified or acceded to various international instruments on combating terrorism and reaffirms its commitment to sign and ratify any other convention or protocol on the subject.

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The international conventions and protocols that have been ratified, including those on terrorism, are part of national legislation and are incorporated into the different laws as the occasion arises.

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Article 4 of Act No. 17/99 of 16 August 1999 on immigration and emigration provides that all foreigners wishing to enter Rwanda must be in possession of the documents and visas required by the international conventions and regulations in force. These visas are granted by the Rwandan diplomatic or consular representatives in the place of origin and, in their absence, by the authorized officials at the place of entry.

Article 2 of Act No. 34/2001 of 5 July 2001 on refugees establishes that "no one may be considered a refugee who is subject to prosecution for having committed:

(a) A crime against humanity before requesting refugee status; or

(b) Activities contrary to the purposes and principles of the United Nations and the Organization of African Unity".

Article 25 of this law stipulates that any one who is guilty of any of the crimes cited in article 2 of the law loses refugee status.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The procedures to be followed are established in the law on refugees mentioned above.

Assistance

As most developing countries, Rwanda lacks qualified human resources, particularly for combating terrorism, and also appropriate technical equipment.

Consequently, the Rwandan Government would welcome the following assistance:

– Technical assistance, for drafting national legislation on combating terrorism;

– Specialized training on combating terrorism;

– Appropriate equipment.

Conclusions

Combating terrorism entails sustainable and continual cooperation among countries.

In view of the threat posed by international terrorism, it is important to adopt adequate measures to prevent and stop all forms of terrorist activity.

The Rwandan Government reaffirms its commitment to devote all its efforts to combating terrorism at the national, regional and international level, through the United Nations as the appropriate forum.

The Rwandan Government requests the United Nations and its Member States to recognize ALIR as a terrorist organization.

The Rwandan Government requests the United Nations and its Member States to formally condemn countries that finance, harbour and contribute any kind of moral or material support to the terrorist organization, ALIR.

The Rwandan Government requests the Member States of the United Nations to cooperate to bring to justice all the members of the ALIR terrorist association.

The Rwandan Government takes this opportunity to reiterate its thanks to all the countries, particularly the United States of America, that recently established a mechanism for tracking down and arresting those responsible for the 1994 genocide, who are members of ALIR.